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| FORM PTO-1390<br>(REV 10-95)  |  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE   | ATTORNEY'S DOCKET NUMBER<br><br>MERCK-2900                           |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. §371</b>  |  |   | U.S. APPLICATION NO. (If known, see 37 CFR §1.5)<br><b>10/501069</b> |
| INTERNATIONAL APPLICATION NO.<br><br>PCT/EP02/14311   | INTERNATIONAL FILING DATE<br><br>16 December 2002 (16.12.2002) | PRIORITY DATE CLAIMED<br><br>11 January 2002 (11.01.2002) |  |
| TITLE OF INVENTION<br>PHARMACEUTICAL COMPOSITION COMPRISING A GLITAZONE AND A 4-OXOBUTANOIC ACID, AND THE USE THEREOF FOR TREATING DIABETES   |  |   |  |
| APPLICANT(S) FOR DO/EO/US<br>Gérard MOINET et al.   |  |   |  |
| <b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</b> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. §371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. §371.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).</li> <li>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19<sup>th</sup> month from the earliest claimed priority date.</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. §371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. §371(c)(2)).</li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. §371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)).</li> <li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).</li> </ol> <b>Items 11. to 16. below concern document(s) or information included:</b> <ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. §§1.97 and 1.98.</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.<br/> <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A substitute specification.</li> <li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>16. <input type="checkbox"/> Other items or information:</li> </ol> |  |   |  |

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| U.S. APPLICATION NO. (if known, see 37 CFR §1.55) <b>10-7501069</b>   |              | INTERNATIONAL APPLICATION NO. <b>PCT/EP02/14311</b> |             | ATTORNEY'S DOCKET NUMBER<br><b>MERCK-2900</b>                       |  |
| 17. <input checked="" type="checkbox"/> The following fees are submitted:<br><b>BASIC NATIONAL FEE ( 37 CFR §1.492 (a) (1) - (5)):</b><br>Search Report has been prepared by the EPO or JPO..... \$920.00<br>International preliminary examination fee paid to USPTO (37 CFR §1.482)..... \$720.00<br>No international preliminary examination fee paid to USPTO (37 CFR §1.482) but international search fee paid to USPTO (37 CFR §1.445(a)(2))..... \$750.00<br>Neither international preliminary examination fee (37 CFR §1.482) nor international search fee (37 CFR §1.445(a)(2)) paid to USPTO..... \$1060.00<br>International preliminary examination fee paid to USPTO (37 CFR §1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$100.00<br><br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |   |             | <b>CALCULATIONS</b> <span style="float: right;">PTO USE ONLY</span> |  |
|   |              |   |             |   |  |
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 C.F.R. §1.492(e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30  |              |   |             |   |  |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE        |   |  |
| Total claims  | 19 - 20 =    | 0   | x \$ 18.00  | \$0.00  |  |
| Independent claims  | - 3 =        | 0   | x \$ 84.00  | \$0.00  |  |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$ 280.00 |   |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |             | \$920.00  |  |
| Reduction of 1/2 for filing by small entity, if applicable. A Verified Small Entity Statement must also be  |              |   |             |   |  |
| <b>SUBTOTAL =</b>   |              |   |             | \$920.00  |  |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than months from the earliest claimed priority date (37 C.F.R. §1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30   |              |   |             |   |  |
| <b>TOTAL NATIONAL FEE =</b>   |              |   |             | \$920.00  |  |
| Fee for recording the enclosed assignment (37 C.F.R. §1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§3.28, 3.31). \$40.00 per property.  |              |   |             |   |  |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |             | \$920.00  |  |
|   |              |   |             | Amount to be refunded:  |  |
|   |              |   |             | charged:  |  |
| a. <input checked="" type="checkbox"/> A check in the amount of <u>\$920.00</u> to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>13-3402</u> in the amount of \$_____ to cover the above fees.<br>A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-3402</u> . A duplicate copy of this sheet is enclosed.   |              |   |             |   |  |
| <b>NOTE: Where an appropriate time limit under 37 C.F.R. §§1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. §1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>   |              |   |             |   |  |
| SEND ALL CORRESPONDENCE TO: Customer Number 23,599  |              |   |             |   |  |
| Filed: July 9, 2004   |              |   |             | SIGNATURE   |  |
|   |              |   |             | <u>Anthony J. Zelano</u>  |  |
|   |              |   |             | NAME  |  |
|   |              |   |             | <u>27,969</u>   |  |
|   |              |   |             | REGISTRATION NUMBER   |  |